

Protection Order Committee  
Judicial Conference of Indiana

**Minutes**

January 27, 2006

The Protection Order Committee met at the Indiana Judicial Center on Friday, January 27, 2006, from 12:00 noon – 3:00 P.M.

1. Members present. Tammy Baitz, John W. Forcum, Stephen M. Jessup, Robert E. Lybrook, Christina J. Miller, Christopher A. Newton, Jerry L. Ummel and Thomas H. Busch, Chair.
2. Staff present. Jeffrey Bercovitz and Tom Jones provided the committee with staff assistance.
3. Minutes. The minutes for October 28, 2005 were approved.
4. Guests. Victoria Deak, Indiana Legal Services, also attended the meeting.
5. Various questions.
  - a. Jeffrey Bercovitz distributed a fax from Kerrie Bloomquist, Legal Counsel, Indiana Coalition Against Domestic Violence. It included an Ex Parte Petition and Protection Order that did match the forms on the committee's website. Committee members discussed Ind. Code 34-26-5-3 and Ind. Code 5-2-9 concerning use of forms prepared by the Division of State Court Administration. Magistrate Miller and Judge Newton agreed to prepare language for the Protection Order Deskbook concerning the use of the forms on the website maintained by the Division and the Judicial Center in advance of the next meeting.
  - b. Judge Busch distributed an email from an individual litigant. Committee members agreed not to respond since it may be construed as giving legal advice.
  - c. Magistrate Ummel reported a card with information from the prosecutor about protection orders. He agreed to forward it to this office for circulation to the committee.
  - d. Judge Busch distributed a form to be used to transfer a case issued on an emergency basis from the protection order court to the court with jurisdiction over the persons in the order. Committee members suggested it be named, "Order of Transfer." He agreed to make revisions based on comments of the committee.
6. Incorporation of best practices into Deskbook. Committee members agreed to the following with best practices:
  - a. Process service to be used by Sheriff - Already covered on page 1-3 of the Deskbook.
  - b. Admin. Rule 9 - Place first paragraph on page 2-7; second paragraph on page 2-2, end of C.; third paragraph on page 2-5; and last paragraph on page 2-2.
  - c. Clerk's Office - Practice Tips - Insert after B. on page 2-1; Leave in box; make into checklist format.

- d. Transfer of Protection Orders - Place on page 3-3 after “Anonymous...” Keep both headings, first sentence, and last four sentences.

Committee members agreed to continue discussion of the placement of best practices at the next meeting.

7. Presentation by Victoria Deak.

- a. Victoria Deak, Indiana Legal Services, reported her organization was planning to place Protection Order forms on their website with other self-service legal forms. She showed the draft version of the website to committee members. The members of the committee agreed the entire petition forms for protection orders should be printed even if some sections are not used, the Confidential Form, the Ex Parte Order form, the first three sections of a cover sheet only should be completed with the court completing the rest, and forms PO-108, PO-109, and PO-118 could be prepared and printed from their website. They should be prepared in the order noted above. She agreed to return at the April committee meeting for an update on her progress.

8. Future meeting dates. Committee members agreed to meet again on the following dates: Friday, March 24, 2006 from 12:00 Noon – 3:30 p.m.; and April 28, 2006 from 12:00 Noon – 3:30 p.m. The committee agreed to meet on June 30, 2006, the fifth Friday of the month; and again on July 28, 2006 from 12:00 Noon – 3:30 p.m. and August 25, 2006 from 12:00 Noon – 3:30 p.m. All meetings will be on Friday and all will be held at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law